

III. REMARKS

Claims 21-25, 27-37, and 39-40 are pending in this application. By this amendment, claims 21, 30, and 37 have been amended and claims 26 and 38 have been cancelled. The above amendments and the following remarks are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Applicant also submits that the subject matter of all revisions provided herein was previously before the Office and that no new issues requiring further consideration have been raised. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 21, 24, 27, 29, 37, and 39 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,710,845 to Wu *et al.*; claims 22 and 25 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wu *et al.* in view of U.S. Patent No. 6,791,661 to Sato; and claims 28, 30-31, 34, and 36-38 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wu *et al.* in view of U.S. Patent No. 6,055,040 to Sego. Also, claims 26, 33, and 35 are objected to as dependent upon a rejected base claim. Applicant appreciates the indication of allowable subject matter. Applicant respectfully submits that each pending claim is allowable in view of the above amendments and the following remarks.

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Applicant has amended claim 21 to include the subject matter of claim 26, which was indicated as allowable if rewritten in independent form. Accordingly, Applicant asserts that each of claims 21-25 and 27-29 is now allowable.

With respect to claims 30-31, 34, and 36-38, the Office asserts that the Sego reference discloses “a structure constituting [sic] of a portion of the membrane (230) attached to frame (240) at the top of the outer wall (251) with an adhesive (401) for the purpose of reducing turbulent air flow exerted on the pellicle (see figure 4, and col. 7, lines 45-56).” Office Action at 4 (emphasis added). Applicant respectfully asserts, however, that the Office is misinterpreting the Sego reference. For example, the portion of the Sego reference cited by the Office continues:

Also, any such internal channel should have one or more widened areas to allow particles which may enter the channel to “drop out” before reaching the protected area. That is, a narrow channel may experience turbulent air flow during pressure equalization, which would tend to carry along any particles which had previously entered the channel. The air flow in a widened section would more likely be laminar, which would in turn be less likely to pick up particles lying along the walls of the channel. Column 7, lines 52-61 (emphasis added).

Thus, the portion of the Sego reference cited by the Office teaches the use of a wide channel inside the frame for the purpose of reducing particulate contamination of a lithographic mask. That is, the part of Sego’s description cited by the Office relates to an airflow inside a channel of the frame. The word “aerodynamic” does not appear in Sego. Accordingly, Applicant submits that the Office’s cited support for Sego teaching “an aerodynamic fairing,” as recited in claim 30, is incorrect.

Applicant also respectfully submits that the argument above was included in Applicant’s response of January 21, 2005, but that the Office has misquoted and mischaracterized that argument. The Office asserts that Applicant’s argument that “in particular, the air flow discussed in that citation is apparently integral to the pellicle and mounting structure” is in error because “the limitations on which the applicant relies (i.e., as underlined above) are not stated in the

claims.” Office Action at 5-6 (emphasis in original). First, Applicant notes that the response stated that the airflow is internal, not integral, to the pellicle, which is the point being made above. Second, Applicant agrees that the cited language is not found in any claim of the present application. However, Applicant respectfully submits that the Office is mischaracterizing the cited language as Applicant’s statements of what the claimed invention includes. In fact, the cited language refers to Applicant’s discussion of the Sego reference, not the claimed invention. Applicant respectfully asserts, therefore, that the Office’s rejection of Applicant’s argument is based on the Office’s misreading of the argument’s context and respectfully requests that the Office re-evaluate the argument.

With further regard to the Sego reference, column 4, lines 1-5 states that, “[t]he mask includes a reticle 200 and a pellicle 210 that form a protected area 220 that lies over at least all of the stepping field of the reticle. The pellicle 210 includes the pellicle frame (frame) 240 and a pellicle membrane (membrane) 230.” That is, the membrane cited by the Office as comprising a portion of the “structure...for the purpose of reducing turbulent air flow exerted on the pellicle” is, in fact, a component of the pellicle itself. Office Action at 4. Applicant respectfully asserts that it is inconsistent for the Office to argue that the membrane of the Sego device simultaneously functions as part of the pellicle and as “a structure...for the purpose of reducing turbulent air flow exerted on the pellicle.” Office Action at 4. Sego does not teach or suggest, *inter alia*, “an aerodynamic fairing adjacent the mask, the fairing having a portion that is coplanar with the pellicle and a curved taper extending from the portion to a stage to reduce aerodynamic drag on the pellicle,” as recited in amended claim 30.

Finally, Applicant respectfully asserts that the Office’s response to Applicant’s lack of motivation arguments in the January 21, 2005 response is based upon a clear mistake of law. The Office Action reads:

The Applicant further argues that there is no motivation or suggestion to combine the references, except for the hindsight teachings of the current invention and the references are not concerned with "reducing the deformation of the pellicle due to the effect of the air turbulence *when the mask is moving*." The applicant is reminded that the rejection here is made under 35 U.S.C. 103(a). Accordingly, there is no requirement that a motivation be expressly articulated (see *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).
Office Action at 6 (emphasis added).

This is a clear mistake of law. Applicant respectfully directs the Office to MPEP 706.02(j), which reads, in relevant part:

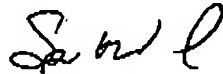
To establish a *prima facie* case of obviousness...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings...The teaching or suggestion to make the claimed combination...must [] be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Nevertheless, in order to expedite allowance of the pending claims, Applicant has amended claim 30 to more clearly identify the aerodynamic fairing of the present invention as having a portion that is co-planar with the pellicle and a curved taper extending from the portion to a stage. Applicant has also amended claim 37 to include the subject matter of claim 38, which has similarly been amended to more clearly identify the aerodynamic fairing of the present invention as having a portion that is co-planar with the pellicle and a curved taper extending from the portion to a stage.

Claims 22-25 and 27-29 are dependent upon claim 21, claims 31-36 are dependent upon claim 30, and claims 39-40 are dependent upon claim 37. Those dependent claims are believed allowable for the same reasons stated above, as well as for their own additional features. In view of the foregoing, Applicant respectfully requests withdrawal of the rejections.

Applicant respectfully submits that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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